

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20707 of 2004

Between:

P. Satyanarayana Reddy, S/o. P. Sankar Reddy,
of Laxminagaram Village, Veldurthy Mandal,
Kurnool District.

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool District
- 2 The Revenue Divisional Officer, Kurnool.
- 3 The Mandal Revenue Officer, Veldurthy Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction, preferable to the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned orders in Rc.No. CS3/370/2004, dt. 4-11-2004 in vacating the stay orders granted in Rc.No. CS3/370/2004, dt. 7-10-2004 without notice and giving opportunity to the petitioner only yielding to the political pressures, as illegal, arbitrary and violation of Article 14, 19, 21 of constitution of India and consequently set aside the above stated impugned proceedings with a further directions to the respondents to continue the petitioner as Fair Price dealer of Laxminagaram Village, Veldurthy Mandal, Kurnool District.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents and perused the material on record.

The petitioner is a Fair Price Shop dealer of Laxminagaram Village. His authorization was suspended pending enquiry by order dated 28-09-2004 by the 2nd respondent-Revenue Divisional Officer, Kurnool. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent-Joint Collector, Kurnool. Having entertained the appeal, the 1st respondent by order dated 07-10-2004 granted stay of the operation of the order dated 28-09-2004 passed by the 2nd respondent. Subsequently, it appears that the 2nd respondent by order dated 03-11-2004 recommended for vacation of the stay and on the basis of the same, the impugned order dated 04-11-2004 has been passed vacating the order.

A perusal of the impugned order shows that the first respondent, on the basis of the report of the 2nd respondent unilaterally arrived at a conclusion that the petitioner is not residing in the village and accordingly vacated the stay. Admittedly, no notice was issued to the petitioner before passing the said order. Having initially granted interim stay, the first respondent if for any reason wanted to vary the same ought to have afforded an opportunity of hearing to the petitioner. Since no such procedure was followed, the impugned order is in clear violation of the fundamental principles

of natural justice and liable to be set aside on that ground alone. Consequently, the order of stay granted on 7-10-2004 shall be operative.

Accordingly, the impugned order dated 04-11-2004 is set aside and the writ petition is disposed of, with a direction to the 1st respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. No costs.

10-11-2004

vs

To

- 1 The Joint Collector, Kurnool District
- 2 The Revenue Divisional Officer, Kurnool.
- 3 The Mandal Revenue Officer, Veldurthy Mandal, Kurnool District.
- 4 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T)
- 5 2CD copies

